

**Introduced by Senator Morrow**

February 13, 2004

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An act to add Sections 2103.5 and 3025.5 to the Family Code, relating to family law.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1284, as introduced, Morrow. Court files: confidentiality.

Existing law governs the management and preservation of trial court records and recognizes that court records are generally public records, unless a specific exception applies. However, existing law establishes procedures for keeping the social security numbers of persons involved in specified dissolution matters in the confidential portion of court files.

Existing law requires a party in a proceeding for dissolution of marriage, nullity of marriage, or legal separation of the parties to serve on the other party a preliminary declaration of disclosure and a final declaration of disclosure, identifying specified assets and liabilities of the party, along with a completed income and expense declaration.

Existing law also provides for child custody evaluations, investigations, and assessments in contested proceedings involving child custody or visitation rights.

This bill would establish procedures for keeping the financial disclosures described above, and reports containing psychological evaluations of a child or recommendations regarding custody of, or visitation with, a child, that are submitted to the court in any proceeding involving child custody or visitation, in the confidential portion of court files. It would make this information available only to specified persons.

This bill would also require specified Judicial Council forms to contain a notice informing parties of their right to redact any of this



information that was placed in a confidential portion of the court file from other materials filed with the court.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2103.5 is added to the Family Code, to  
2 read:

3 2103.5. (a) In a proceeding for dissolution of marriage,  
4 nullity of marriage, or legal separation of the parties, when a  
5 preliminary declaration of disclosure, as described in Section  
6 2104, or the final declaration of disclosure, as described in Section  
7 2105, is filed with a court, that information shall be contained in  
8 a document that shall be placed in the confidential portion of the  
9 court file of the proceeding, and may not be disclosed, except to  
10 the following persons:

11 (1) A party to the proceeding and his or her attorney.

12 (2) A federal or state law enforcement officer, judicial officer,  
13 court employee, employee of a local child support enforcement  
14 agency, or family court facilitator for the county in which the  
15 action was filed, or an employee or agent of that facilitator, acting  
16 within the scope of his or her duties.

17 (3) Any person who requests that information and who  
18 provides a written authorization signed by a party to the  
19 proceeding no more than 30 days prior to making the request.

20 (4) Any other person specifically authorized by the court.

21 (b) The Judicial Council form used to file a document specified  
22 in subdivision (a) shall contain a notice that the parties may redact  
23 the information placed in the confidential portion of the court file  
24 from pleadings, attachments, documents, or other material filed  
25 with the court only after the document listing that information is  
26 placed in the confidential portion of the court file.

27 (c) The petitioner or respondent may redact any information  
28 that was placed in the confidential portion of the court file pursuant  
29 to this section from any pleading, attachment, document, or other  
30 written material filed with the court only after the document listing  
31 all of that information is placed in the confidential portion of the  
32 court file.

33 SEC. 2. Section 3025.5 is added to the Family Code, to read:



1 3025.5. (a) In any proceeding involving child custody or  
2 visitation rights, if a report containing psychological evaluations  
3 of a child or recommendations regarding custody of, or visitation  
4 with, a child is submitted to the court, including, but not limited  
5 to, a report created pursuant to Chapter 6 (commencing with  
6 Section 3110) of this part, that information shall be contained in  
7 a document that shall be placed in the confidential portion of the  
8 court file of the proceeding, and may not be disclosed, except to  
9 the following persons:

10 (1) A party to the proceeding and his or her attorney.

11 (2) A federal or state law enforcement officer, judicial officer,  
12 court employee, family court facilitator for the county in which the  
13 action was filed, or employee or agent of that facilitator, acting  
14 within the scope of his or her duties.

15 (3) Any person who requests that information and who  
16 provides a written authorization signed by a party to the  
17 proceeding no more than 30 days prior to making the request.

18 (4) Any other person specifically authorized by the court.

19 (b) The Judicial Council form used to file a document specified  
20 in subdivision (a) shall contain a notice that the parties may redact  
21 the information placed in the confidential portion of the court file  
22 from pleadings, attachments, documents, or other material filed  
23 with the court only after the document listing that information is  
24 placed in the confidential portion of the court file.

25 (c) The petitioner or respondent may redact any information  
26 that was placed in the confidential portion of the court file pursuant  
27 to this section from any pleading, attachment, document, or other  
28 written material filed with the court only after the document listing  
29 all of that information is placed in the confidential portion of the  
30 court file.

